



TOWN AND COUNTRY PLANNING ACT 1990

## PLANNING DECISION NOTICE – PERMISSION

**S6/2012/2608/MA**

**Replacement boundary fence to Nyn Park Estate**

**at: Nyn Park Well Road Northaw POTTERS BAR**

Carriage Return

### Agent Name And Address

Mr M Cable  
Agellus Projects Ltd  
Pound Close  
King Street  
EAST HARLING  
Norwich  
NR16 2QG

### Applicant Name And Address

Bessington Investments Ltd  
C/O Agellus Projects Ltd  
Pound Close  
King Street  
EAST HARLING  
Norwich  
NR16 2QG

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **PERMIT** the development proposed by you in your application received with sufficient particulars on 20/12/2012 and shown on the plan(s) accompanying such application, subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: In order to comply with Section 91 of the Town and Country Planning Act (As amended)

2. The development/works shall not be started and completed other than in accordance with the approved plans and details: APL-EC-012-126-01 Issue 0 & APL-EC-012-126-03 Issue 0 received and dated 20 December 2012 & APL-EC-012-126-10 Rev 0 & APL-EC-012-126-11 Rev 0 & APL-EC-012-126-12 Rev 0 & APL-EC-012-126-13 Rev 0 & APL-EC-012-126-14 Rev 0 & APL-EC-012-126-15 received and dated 29 January 2013 & APL-EC-012-126-02 Issue A received and dated 19 March 2013 unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the development is carried out in accordance with the approved drawings and any changes must be agreed in advance in writing by the local planning authority.

## Continuation ...

### PRE-DEVELOPMENT

3. No vegetation clearance works shall be carried out on site between the 1st March and the 30th September inclusive in any year, unless otherwise approved in writing by the local planning authority.

REASON: To protect wintering, roosting, feeding, resting, breeding birds in accordance with the Wildlife and Countryside Act 1981 (As amended) and Policy R11 of the Welwyn Hatfield District Plan 2005.

4. No development shall commence until a scheme for the proposed fencing adjacent to the Public Right of Way Footpath Northaw 005 has been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: To ensure that the existing right of way is maintained in accordance with Policy RA25 of the Welwyn Hatfield District Plan 2005

### POST-DEVELOPMENT

5. The hedges, trees, bushes and saplings marked on the attached plan numbered APL-EC-012-126-01 Issue 0 & APL-EC-012-126-02 Issue A & APL-EC-012-126-10 Rev 0 & APL-EC-012-126-11 Rev 0 & APL-EC-012-126-12 Rev 0 & APL-EC-012-126-13 Rev 0 & APL-EC-012-126-14 Rev 0 & APL-EC-012-126-15 shall be retained unless the local planning authority gives its written consent to their removal or variation. Should any part of the hedge, tree, bush or sapling die, be removed or become seriously damaged or diseased, it shall be replaced during the following planting season by another tree, bush or sapling planted in accordance with a specification previously approved in writing by the local planning authority.

REASON: To protect the existing planting in the interests of visual amenity in accordance with Policy D8 of the Welwyn Hatfield District Plan 2005.

### REASONS FOR APPROVAL

The proposal has been considered against the National Planning Policy Framework and Development Plan Policies GBSP1, SD1, R3, R11, RA10, D1, D2, D3, D7 and D8 of the Welwyn Hatfield District Plan 2005, in addition to the Human Rights Act 1998, which, at the time of this decision indicate that the proposal should be approved. The decision has also been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be inspected at these offices).

## Continuation ...

### INFORMATIVES:

1. Notwithstanding the requirements of condition 3 above, if vegetation clearance works are proposed between the 1st March and the 30th September, and approved in writing by the local planning authority, then a pre-development (same day) search of the area should be made by a suitably experienced ecologist for breeding birds and their nests. If active nests are found, then clearance work must be delayed until the juvenile birds have left the nest and are fully independent.
2. The Public Right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works.
3. The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times.
4. The condition of the route should not deteriorate as a result of these works. Any adverse affects to the surface from traffic, machinery or materials (especially overspills of cement & concrete) to be made good by the applicant to the satisfaction of this Authority.
5. All materials to be removed at the end of the construction and not left on the Highway or Highway verges.

If informatives 2-5 above cannot reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.

**Date:** 21/03/2012



Tracy Harvey  
Head of Planning